

Maureen L. Forsyth
Executive Officer

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8 *Attorneys for Complainant*

10 **BEFORE THE**
11 **PHYSICIAN ASSISTANT BOARD**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 950-2016-000818

14 **LARISSA JEAN POLES, P.A.**
15 **579 Via Del Caballo**
San Marcos, CA 92078

**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

16 **Physician Assistant License No. PA 20111**

17 Respondent.

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Maureen L. Forsyth (Complainant) is the Executive Officer of the Physician Assistant
23 Board (Board). She brought this action solely in her official capacity and is represented in this
24 matter by Xavier Becerra, Attorney General of the State of California, by Karolyn M. Westfall,
25 Deputy Attorney General.

26 2. Larissa Jean Poles, P.A. (Respondent) is represented in this proceeding by attorney
27 David Rosenberg, Esq., whose address is Symphony Towers, 750 B Street, Suite 3210, San
28 Diego, CA 92101.

1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 950-2016-000818, agrees that cause exists for discipline, and hereby surrenders her Physician
4 Assistant License No. PA 20111 for the Board's formal acceptance.

5 10. Respondent understands that by signing this stipulation she enables the Board to issue
6 an order accepting the surrender of her Physician Assistant License without further process.

7 11. With Respondent's early acknowledgement that cause exists for the Board's action,
8 Complainant finds good cause under Business and Professions Code section 3530, subdivision
9 (a)(1), and thereby agrees that Respondent may file a petition for reinstatement two years after the
10 effective date of the Board's Decision.

11 **CONTINGENCY**

12 12. This Stipulated Surrender of License and Disciplinary Order shall be subject to
13 approval of the Board. The parties agree that this Stipulated Surrender of License and
14 Disciplinary Order shall be submitted to the Board for its consideration in the above-entitled
15 matter and, further, that the Board shall have a reasonable period of time in which to consider and
16 act on this Stipulated Surrender of License and Disciplinary Order after receiving it. By signing
17 this stipulation, Respondent fully understands and agrees that she may not withdraw her
18 agreement or seek to rescind this stipulation prior to the time the Board considers and acts upon
19 it.

20 13. The parties agree that this Stipulated Surrender of License and Disciplinary Order
21 shall be null and void and not binding upon the parties unless approved and adopted by the Board,
22 except for this paragraph, which shall remain in full force and effect. Respondent fully
23 understands and agrees that in deciding whether or not to approve and adopt this Stipulated
24 Surrender of License and Disciplinary Order, the Board may receive oral and written
25 communications from its staff and/or the Attorney General's Office. Communications pursuant
26 to this paragraph shall not disqualify the Board, any member thereof, and/or any other person
27 from future participation in this or any other matter affecting or involving respondent. In the
28 event that the Board does not, in its discretion, approve and adopt this Stipulated Surrender of

1 License and Disciplinary Order, with the exception of this paragraph, it shall not become
2 effective, shall be of no evidentiary value whatsoever, and shall not be relied upon or introduced
3 in any disciplinary action by either party hereto. Respondent further agrees that should this
4 Stipulated Surrender of License and Disciplinary Order be rejected for any reason by the Board,
5 respondent will assert no claim that the Board, or any member thereof, was prejudiced by
6 its/his/her review, discussion and/or consideration of this Stipulated Surrender of License and
7 Disciplinary Order or of any matter or matters related hereto.

8 **ADDITIONAL PROVISIONS**

9 14. This Stipulated Surrender of License and Disciplinary Order is intended by the parties
10 herein to be an integrated writing representing the complete, final and exclusive embodiment of
11 the agreements of the parties in the above-entitled matter.

12 15. The parties agree that copies of this Stipulated Surrender of License and Disciplinary
13 Order, including copies of the signatures of the parties, may be used in lieu of original documents
14 and signatures and, further, that such copies shall have the same force and effect as originals.

15 16. In consideration of the foregoing admissions and stipulations, the parties agree the
16 Board may, without further notice to or opportunity to be heard by respondent, issue and enter the
17 following Disciplinary Order:

18 **ORDER**

19 IT IS HEREBY ORDERED that Physician Assistant License No. PA 20111, issued to
20 respondent Larissa Jean Poles, P.A., is surrendered and accepted by the Physician Assistant
21 Board.

22 1. The surrender of Respondent's Physician Assistant License and the acceptance of the
23 surrendered license by the Board shall constitute the imposition of discipline against respondent.
24 This stipulation constitutes a record of the discipline and shall become a part of respondent's
25 license history with the Physician Assistant Board.

26 2. Respondent shall lose all rights and privileges as a physician assistant in California as
27 of the effective date of the Board's Decision and Order.

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1 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
2 issued, her wall certificate on or before the effective date of the Decision and Order.

3 4. If respondent ever files an application for licensure or a petition for reinstatement in
4 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
5 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
6 effect at the time the petition is filed, and all of the charges and allegations contained in
7 Accusation No. 950-2016-000818 shall be deemed to be true, correct and fully admitted by
8 respondent when the Board determines whether to grant or deny the petition.

9 5. Respondent shall pay the agency its costs of investigation and enforcement in the
10 amount of \$9,739.50 prior to issuance of a new or reinstated license.

11 6. If respondent should ever apply or reapply for a new license or certification, or
12 petition for reinstatement of a license, by any other health care licensing agency in the State of
13 California, all of the charges and allegations contained in Accusation No. 950-2016-000818 shall
14 be deemed to be true, correct, and fully admitted by respondent for the purpose of any Statement
15 of Issues or any other proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Disciplinary Order, and have fully discussed it with my attorney, David Rosenberg. I understand the stipulation and the effect it will have on my Physician Assistant License. I enter into this Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Physician Assistant Board.

DATED: 7/25/17

LARISSA JEAN POLES, P.A.
Respondent

I have read and fully discussed with respondent Larissa Jean Poles, P.A., the terms and conditions and other matters contained in this Stipulated Surrender of License and Disciplinary Order. I approve its form and content.

DATED: 7/26/17

DAVID ROSENBERG, ESQ.
Attorney for RespondentENDORSEMENT

The foregoing Stipulated Surrender of License and Disciplinary Order is hereby respectfully submitted for consideration by the Physician Assistant Board of the Department of Consumer Affairs.

Dated: 7/26/17

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney GeneralKAROLYN M. WESTFALL
Deputy Attorney General
Attorneys for Complainant

SD2017704601

Exhibit A

Accusation No. 950-2016-000818

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Attorneys for Complainant

BEFORE THE
PHYSICIAN ASSISTANT BOARD
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In the Matter of the Accusation Against:

Case No. 950-2016-000818

LARISSA JEAN POLES, P.A.
579 Via Del Caballo
San Marcos, CA 92078

ACCUSATION

Physician Assistant License No. PA 20111

Respondent.

Complainant alleges:

PARTIES

1. Maureen L. Forsyth (complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Physician Assistant Board, Department of Consumer Affairs.
2. On or about December 10, 2008, the Physician Assistant Board (Board) issued Physician Assistant License No. PA 20111 to Larissa Jean Poles, P.A. (respondent). The Physician Assistant License was in full force and effect at all times relevant to the charges and allegations brought herein and will expire on February 28, 2018, unless renewed. On or about July 5, 2016, an Interim Order of Suspension was issued immediately suspending Physician

1 Assistant License No. PA 20111, and prohibiting respondent from practicing medicine in the
2 State of California. As a result, respondent remains suspended from the practice of medicine as
3 of the date of the filing of this Accusation.

4 JURISDICTION

5 3. This Accusation is brought before the Board under the authority of the following
6 laws. All section references are to the Business and Professions Code (Code) unless otherwise
7 indicated.

8 4. Section 3527 of the Code states, in pertinent part:

9 “(a) The board may order the denial of an application for, or the issuance subject to
10 terms and conditions of, or the suspension or revocation of, or the imposition of
11 probationary conditions upon a physician assistant license after a hearing as required in
12 Section 3528 for unprofessional conduct which includes, but is not limited to, a violation of
13 this chapter, a violation of the Medical Practice Act, or a violation of the regulations
14 adopted by the board or the Medical Board of California.

15 “(b) The board may order the denial of an application for, or the suspension or
16 revocation of, or the imposition of probationary conditions upon, an approved program after
17 a hearing as required in Section 3528 for a violation of this chapter or the regulations
18 adopted pursuant thereto.

19 “(c) The Medical Board of California may order the denial of an application for, or
20 the issuance subject to terms and conditions of, or the suspension or revocation of, or the
21 imposition of probationary conditions upon, an approval to supervise a physician assistant,
22 after a hearing as required in Section 3528, for unprofessional conduct, which includes, but
23 is not limited to, a violation of this chapter, a violation of the Medical Practice Act, or a
24 violation of the regulations adopted by the board or the Medical Board of California.

25 “...

26 “(g) The expiration, cancellation, forfeiture, or suspension of a physician assistant
27 license by operation of law or by order or decision of the board or a court of law, the
28 placement of a license on a retired status, or the voluntary surrender of a license by a

1 licensee shall not deprive the board of jurisdiction to commence or proceed with any
2 investigation of, or action or disciplinary proceeding against, the licensee or to render a
3 decision suspending or revoking the license.”

4 5. Section 3528 of the Code states:

5 “Any proceedings involving the denial, suspension or revocation of the application
6 for licensure or the license of a physician assistant, the application for approval or the
7 approval of a supervising physician, or the application for approval or the approval of an
8 approved program under this chapter shall be conducted in accordance with Chapter 5
9 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government
10 Code.”

11 6. Section 2227 of the Code states:

12 “(a) A licensee whose matter has been heard by an administrative law judge
13 of the Medical Quality Hearing Panel as designated in Section 11371 of the
14 Government Code, or whose default has been entered, and who is found guilty, or
15 who has entered into a stipulation for disciplinary action with the board, may, in
16 accordance with the provisions of this chapter:

17 “(1) Have his or her license revoked upon order of the board.

18 “(2) Have his or her right to practice suspended for a period not to exceed
19 one year upon order of the board.

20 “(3) Be placed on probation and be required to pay the costs of probation
21 monitoring upon order of the board.

22 “(4) Be publicly reprimanded by the board. The public reprimand may
23 include a requirement that the licensee complete relevant educational courses
24 approved by the board.

25 “(5) Have any other action taken in relation to discipline as part of an order
26 of probation, as the board or an administrative law judge may deem proper.

27 “(b) Any matter heard pursuant to subdivision (a), except for warning letters,
28 medical review or advisory conferences, professional competency examinations,

1 continuing education activities, and cost reimbursement associated therewith that
2 are agreed to with the board and successfully completed by the licensee, or other
3 matters made confidential or privileged by existing law, is deemed public, and
4 shall be made available to the public by the board pursuant to Section 803.1.”

5 7. Section 2234 of the Code states, in pertinent part:

6 “The board shall take action against any licensee who is charged with
7 unprofessional conduct. In addition to other provisions of this article,
8 unprofessional conduct includes, but is not limited to, the following:

9 “(a) Violating or attempting to violate, directly or indirectly, assisting in or
10 abetting the violation of, or conspiring to violate any provision of this chapter
11 [Chapter 5, the Medical Practice Act].

12 “...

13 “(e) The commission of any act involving dishonesty or corruption that is
14 substantially related to the qualifications, functions, or duties of a physician and
15 surgeon.

16 “...”

17 8. Section 2236 of the Code states, in pertinent part:

18 “(a) The conviction of any offense substantially related to the qualifications,
19 functions, or duties of a physician and surgeon constitutes unprofessional conduct
20 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The
21 record of conviction shall be conclusive evidence only of the fact that the
22 conviction occurred.

23 “...

24 “(d) A plea or verdict of guilty or a conviction after a plea of nolo
25 contendere is deemed to be a conviction within the meaning of this section and
26 Section 2236.1. The record of conviction shall be conclusive evidence of the fact
27 that the conviction occurred.”

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1 9. Section 2238 of the Code states:

2 “A violation of any federal statute or federal regulation or any of the statutes or
3 regulations of this state regulating dangerous drugs or controlled substances constitutes
4 unprofessional conduct.”

5 10. Section 2239 of the Code states, in pertinent part:

6 “(a) The use or prescribing for or administering to himself or herself, of any
7 controlled substance; or the use of any of the dangerous drugs specified in Section
8 4022, or of alcoholic beverages, to the extent, or in such a manner as to be
9 dangerous or injurious to the licensee, or to any other person or to the public, or to
10 the extent that such use impairs the ability of the licensee to practice medicine
11 safely or more than one misdemeanor or any felony involving the use,
12 consumption, or self-administration of any of the substances referred to in this
13 section, or any combination thereof, constitutes unprofessional conduct. The
14 record of the conviction is conclusive evidence of such unprofessional conduct.

15 “...”

16 11. Section 2242 of the Code states, in pertinent part:

17 “(a) Prescribing, dispensing, or furnishing dangerous drugs as defined in Section
18 4022 without an appropriate prior examination and a medical indication, constitutes
19 unprofessional conduct.

20 “...”

21 12. Section 4022 of the Code states, in pertinent part:

22 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-
23 use in humans or animals, and includes the following:

24 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing
25 without prescription,’ ‘RX only,’ or words of similar import.

26 “...”

27 “(c) Any other drug or device that by federal or state law can be lawfully dispensed
28 on prescription or furnished pursuant to Section 4006.”

13. Section 2261 of the Code states:

“Knowingly making or signing any certificate or other document directly or indirectly related to the practice of medicine or podiatry which falsely represents the existence or nonexistence of a state of facts, constitutes unprofessional conduct.”

14. Section 2262 of the Code states:

“Altering or modifying the medical record of any person, with fraudulent intent, or creating any false medical record, with fraudulent intent, constitutes unprofessional conduct.

“In addition to any other disciplinary action, the Division of Medical Quality or the California Board of Podiatric Medicine may impose a civil penalty of five hundred dollars (\$500) for a violation of this section.”

15. Section 2266 of the Code states:

“The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.”

16. Section 11153 of the Health and Safety Code states, in pertinent part,

“(a) A prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. Except as authorized by this division, the following are not legal prescriptions: (1) an order purporting to be a prescription which is issued not in the usual course of professional treatment or in legitimate and authorized research; . . .

“...”

17. Section 11157 of the Health and Safety Code states, “No person shall issue a prescription that is false or fictitious in any respect.”

18. Section 11170 of the Health and Safety Code states, “No person shall prescribe, administer, or furnish a controlled substance for himself.”

19. Section 11173 of the Health and Safety Code states, in pertinent part:

“(a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

“(b) No person shall make a false statement in any prescription, order, report, or record, required by this division.

“...”

20. Section 11180 of the Health and Safety Code states, “No person shall obtain or possess a controlled substance obtained by a prescription that does not comply with this division.”

21. Section 11368 of the Health and Safety Code states:

“Every person who forges or alters a prescription or who issues or utters an altered prescription, or who issues or utters a prescription bearing a forged or fictitious signature for any narcotic drug, or who obtains any narcotic drug by any forged, fictitious, or altered prescription, or who has in possession any narcotic drug secured by a forged, fictitious, or altered prescription, shall be punished by imprisonment in the county jail for not less than six months or more than one year, or in the state prison.”

22. Section 822 of the Code states:

“If a licensing agency determines that its licentiate’s ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

“(a) Revoking the licentiate’s certificate or license.

“(b) Suspending the licentiate’s right to practice.

“(c) Placing the licentiate on probation.

“(d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

“The licensing agency shall not reinstate a revoked or suspended certificate or

1 license until it has received competent evidence of the absence or control of the
2 condition which caused its action and until it is satisfied that with due regard for the
3 public health and safety the person's right to practice his or her profession may be
4 safely reinstated."

5 COST RECOVERY

6 23. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
7 administrative law judge to direct a licentiate found to have committed a violation or violations of
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 FIRST CAUSE FOR DISCIPLINE

11 **(Prescribing or Administering a Controlled Substance to Herself)**

12 24. Respondent has subjected her Physician Assistant License No. PA 20111 to
13 disciplinary action under sections 3527, 2227, and 2234, as defined by section 2239, subdivision
14 (a), of the Code, in that she has prescribed and administered a controlled substance to herself, as
15 more particularly alleged hereinafter:

16 25. Between on or about March 10, 2010, through on or about February 19, 2016,
17 respondent worked as a physician assistant at US Healthworks, in Escondido. During that time,
18 respondent worked approximately five (5) days per week, providing treatment to approximately
19 twenty (20) patients per day. While working at US Healthworks, respondent was supervised by
20 V.Y., M.D. (Dr. V.Y.)

21 26. While working at US Healthworks, respondent worked with Medical Assistant S.A.
22 Between in or around 2013, through in or around 2015, respondent wrote numerous prescriptions
23 for S.A., which included but were not limited to, Alprazolam,¹ Phentermine,² Diazepam,³ and

24 ¹ Alprazolam (brand name Xanax) is a Schedule IV controlled substance pursuant to Health and
25 Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions
26 Code section 4022.

27 ² Phentermine is a Schedule IV controlled substance pursuant to Health and Safety Code section
28 11057, subdivision (f), and a dangerous drug pursuant to Business and Professions Code section 4022. It
is a stimulant and an appetite suppressant.

(continued...)

1 Lorazepam.⁴ Respondent did not create a medical record for S.A. at any time. All of the
2 prescriptions respondent wrote for Alprazolam were intended for respondent's own use.

3 27. While working at US Healthworks, respondent worked with Physician Assistant J.W.
4 Between in or around 2014, through in or around 2015, respondent wrote numerous prescriptions
5 in the name of J.W.'s husband, R.W., which included but were not limited to, Alprazolam,
6 Lorazepam, and Hydrocodone.⁵ Respondent did not consider J.W. or R.W. a patient at any time,
7 and did not create a medical record for R.W. All of the prescriptions respondent wrote R.W. for
8 Alprazolam were intended for respondent's own use.

9 28. Between in or around 2014, through in or around 2015, respondent wrote numerous
10 prescriptions for her neighbor, J.G., which included but were not limited to, Butalbital,⁶
11 Alprazolam, Diazepam, Lorazepam, and Oxycodone.⁷ All of the prescriptions respondent wrote
12 J.G. for Alprazolam were intended for respondent's own use. The remaining prescriptions were
13 intended for J.G.'s use, allegedly for the treatment of various maladies.

14 29. On or about June 7, 2014, respondent wrote a prescription for Alprazolam in the
15 name of her husband, G.P. Respondent did not consider G.P. her patient at any time, and this
16 prescription was intended for her own use.

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18 _____
19 (...continued)

20 ³ Diazepam (brand name Valium) is a Schedule IV controlled substance pursuant to Health and
21 Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions
22 Code section 4022.

23 ⁴ Lorazepam (brand name Ativan) is a Schedule IV controlled substance pursuant to Health and
24 Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions
25 Code section 4022.

26 ⁵ Hydrocodone Bitartrate (brand name Vicodin) is a Schedule III controlled substance pursuant to
27 Health and Safety Code section 11056, subdivision (e), and a dangerous drug pursuant to Business and
28 Professions Code section 4022.

⁶ Butalbital is a Schedule III controlled substance pursuant to Health and Safety Code section
11056, subdivision (c), and a dangerous drug pursuant to Business and Professions Code section 4022.

⁷ Oxycodone is a Schedule II controlled substance pursuant to Health and Safety Code section
11055, subdivision (b), and a dangerous drug pursuant to Business and Professions Code section 4022.

1 30. On or about July 9, 2014, patient J.G. presented to respondent at US Healthworks for
2 the first and only time, with complaints of pain. The medical record for this single visit is
3 handwritten, difficult to read,⁸ and does not contain reference to the prior or subsequent
4 prescriptions respondent wrote for J.G. between in or around 2014, and in or around 2015.

5 31. On or about August 29, 2015, respondent wrote a prescription for Alprazolam in the
6 name of her husband, G.P., which was intended for her own use.

7 32. Between in or around 2014, through in or around 2016, respondent took
8 approximately 2mg to 10 mg of Xanax every other day, including on days she worked at US
9 Healthworks. Respondent was never prescribed the Xanax by a treating physician during that
10 time.

11 33. On or about January 17, 2016, at approximately 11:32 a.m., San Diego County
12 Sheriff Deputy J.B. responded to a report of a vehicle driving "all over the road." The driver of
13 the vehicle, later identified as respondent, had driven over a metal water level marker, causing
14 damage to the marker, and flattening the vehicle's front right tire. Deputy J.B. contacted
15 respondent on the scene and noted she exhibited droopy eyelids, dry mouth, unsteady walk,
16 slurred speech, and appeared to be lethargic. Respondent informed Deputy J.B. that she had
17 taken Cymbalta⁹ 100 mg and Trazadone¹⁰ 300 mg earlier that day, and Lexapro¹¹ 25 mg and
18 Prozac¹² the day prior. Respondent also admitted she had smoked marijuana one month earlier.¹³

19 ⁸ At the subject interview on or about January 18, 2017, respondent indicated she was unable to
20 read various parts of her note.

21 ⁹ Cymbalta, brand name for Duloxetine, is a nerve pain medication and antidepressant. It is a
22 dangerous drug pursuant to Business and Professions Code section 4022.

23 ¹⁰ Trazadone is a sedative and antidepressant. It is a dangerous drug pursuant to Business and
24 Professions Code section 4022.

25 ¹¹ Lexapro is a selective serotonin reuptake inhibitor used to treat depression and generalized
26 anxiety disorder. It is a dangerous drug pursuant to Business and Professions Code section 4022.

27 ¹² Prozac, brand name for Fluoxetine, is a selective serotonin reuptake inhibitor used to treat
28 depression, obsessive compulsive disorder, bulimia, and panic disorder. It is a dangerous drug pursuant to
Business and Professions Code section 4022.

¹³ At the subject interview on or about January 18, 2017, respondent admitted smoking marijuana
three times previously, and denied having a marijuana recommendation card.

1 After performing poorly on standard field sobriety tests, respondent was arrested on suspicion of
2 driving under the influence of drugs, in violation of Vehicle Code section 23152, subdivision (e),
3 a misdemeanor. During the arrest and booking process, a syringe loaded with an unknown clear
4 substance was found in respondent's purse.¹⁴

5 34. On or about January 17, 2016, at approximately 1:17 p.m., a blood sample was
6 obtained from respondent that tested positive for 290 ng/mL of Alprazolam.

7 35. On or about February 17, 2016, respondent reported her arrest to the Board. During
8 that conversation, respondent admitted that the syringe found in her possession contained
9 lidocaine.¹⁵ Respondent admitted taking the lidocaine from US Healthworks, allegedly to remove
10 a mole from her face.¹⁶

11 36. On or about February 19, 2016, a patient at US Healthworks reported to Dr. V.Y. that
12 respondent was acting as if she had "taken something." Dr. V.Y. recommended that respondent
13 leave work and obtain treatment. Respondent left work that day and never returned.

14 37. On or about February 19, 2016, respondent sought treatment from her treating
15 psychiatrist. During that appointment, respondent expressed suicidal thoughts. Respondent's
16 treating psychiatrist then contacted law enforcement, who arrived shortly thereafter. The law
17 enforcement officer determined that respondent met the criteria set forth by Welfare and
18 Institutions Code section 5150, for detention and evaluation by a mental health professional.
19 Respondent was subsequently taken to Aurora Hospital, where she received psychiatric treatment
20 for seven (7) days and was released.

21 38. On or about April 13, 2016, respondent self-referred to the Maximus Diversion
22 Program through the Board. During the intake process, respondent admitted to her use and abuse
23 of Xanax since the age of 14. After a thorough assessment, respondent was placed on an
24 individualized program, that included a restriction from practice, random biological fluid testing,

25
26 ¹⁵ Injectable Lidocaine is a local anesthetic (numbing medication) that works by blocking nerve
signals in your body. It is a dangerous drug pursuant to Business and Professions Code section 4022.

27 ¹⁶ At the subject interview on or about January 18, 2017, respondent claimed to have received the
28 lidocaine from J.W. several weeks before her arrest.

1 weekly check-in calls with a case manager, and participation in group therapy and 12-step
2 meetings.

3 39. On or about April 25, 2016, the San Diego County District Attorney filed a criminal
4 complaint against respondent in the matter entitled, *The People of the State of California v.*
5 *Larissa J. Poles*, San Diego County Superior Court Case No. CN358570. Count one of the
6 complaint charged respondent with driving under the influence of a drug, in violation of Vehicle
7 Code section 23152, subdivision (e), a misdemeanor. Count two of the complaint charged
8 respondent with vehicle hit and run, in violation of Vehicle Code section 20002, subdivision (a), a
9 misdemeanor.

10 40. On or about May 18, 2016, a law enforcement officer was called to respondent's
11 home and determined that she met the criteria set forth by Welfare and Institutions Code section
12 5150, for detention and evaluation by a mental health professional. Respondent was subsequently
13 taken to Palomar Hospital, where she received psychiatric treatment for three (3) days and was
14 released.

15 41. On or about May 23, 2016, a law enforcement officer was called to respondent's
16 home and determined that she met the criteria set forth by Welfare and Institutions Code section
17 5150, for detention and evaluation by a mental health professional. Respondent was subsequently
18 taken to Tri-City Hospital, where she received psychiatric treatment for three (3) days and was
19 released.

20 42. On or about May 31, 2016, in the matter entitled, *The People of the State of*
21 *California v. Larissa J. Poles*, San Diego County Superior Court Case No. CN358570,
22 respondent was convicted upon her plea of guilty to driving under the influence of a drug, in
23 violation of Vehicle Code section 23152, subdivision (e), a misdemeanor. On that same date, the
24 Superior Court sentenced respondent to probation for five years, subject to various terms and
25 conditions.

26 43. On or about June 10, 2016, the Maximus Diversion Program determined her to be a
27 "public risk" due to her noncompliance and discharged her from the program.

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1 44. On or about July 9, 2016, after a review of records and at the request of the Board,
2 Markham Kirsten, M.D. (Dr. Kirsten) determined that respondent's "long standing alprazolam
3 addiction has spun out of control." Dr. Kirsten further concluded that respondent suffers from a
4 severe use disorder and can not practice medicine safely.

5 45. On or about July 17, 2016, a law enforcement officer was called to respondent's
6 home and determined that she met the criteria set forth by Welfare and Institutions Code section
7 5150, for detention and evaluation by a mental health professional. Respondent was subsequently
8 taken to Palomar Hospital, where she received psychiatric treatment and was released.

9 46. On or about July 21, 2016, respondent's husband, G.P., was transporting respondent
10 to the hospital for treatment for her suicidal thoughts. Upon arrival at the hospital, a law
11 enforcement officer determined that respondent met the criteria set forth by Welfare and
12 Institutions Code section 5150, for detention and evaluation by a mental health professional.
13 Respondent subsequently received psychiatric treatment at Palomar Hospital and was released.

14 47. On or about January 18, 2017, respondent was interviewed by Investigator D.F. from
15 the Division of Investigations Health Quality Enforcement Unit, in San Diego, California.
16 During the subject interview, respondent admitted taking Xanax that was not properly prescribed
17 by a physician for an extended period of time. Respondent claimed that her extensive use of
18 Xanax put her in an "amnesia type state," that caused her to be "irrational, illogical, and in a state
19 of something called Xanax psychosis" for approximately three (3) years while she was working
20 full time at US Healthworks. Respondent further claimed that her Xanax use caused her "huge
21 memory loss."

22 48. Between in or around 2013, through in or around 2015, a review of respondent's
23 CURES¹⁷ prescribing history report revealed that respondent prescribed Xanax to approximately
24 fourteen (14) patients during that time period. During her subject interview on or about January
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27 ¹⁷ The Controlled Substance Utilization Review and Evaluation System (CURES), is a database of
28 Schedule II, III and IV controlled substance prescriptions dispensed in California, maintained by the
Department of Justice, and serving the public health, regulatory oversight agencies, and law enforcement.

1 18, 2017, respondent admitted that all Xanax prescriptions she wrote during that time period were
2 for her own use.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Use of Dangerous Drugs to an Extent, or in a Manner, as to be Dangerous to Herself, to
5 Others, or to the Public)**

6 49. Respondent has further subjected her Physician Assistant License No. PA 20111 to
7 disciplinary action under sections 2227 and 2234, as defined by section 2239, subdivision (a), of
8 the Code, in that she has used dangerous drugs to an extent, or in a manner, as to be dangerous or
9 injurious to herself, to another person, or to the public, as more particularly alleged in paragraphs
10 24 through 48 above, which are hereby incorporated by reference and realleged as if fully set
11 forth herein.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Violation of State Laws Regulating Dangerous Drugs and/or Controlled Substances)**

14 50. Respondent has further subjected her Physician Assistant License No. PA 20111 to
15 disciplinary action under sections 3527, 2227 and 2234, as defined by section 2238, of the Code,
16 in that she has violated a state law or laws regulating dangerous drugs and/or controlled
17 substances, as more particularly alleged in paragraphs 24 through 49 above, which are hereby
18 incorporated by reference and realleged as if fully set forth herein.

19 **FOURTH CAUSE FOR DISCIPLINE**

20 **(Dishonesty or Corruption)**

21 51. Respondent has further subjected her Physician Assistant License No. PA 20111 to
22 disciplinary action under sections 3527, 2227 and 2234, as defined by section 2234, subdivision
23 (e), of the Code, in that she has committed an act or acts of dishonesty or corruption, as more
24 particularly alleged in paragraphs 24 through 50, above, which are hereby incorporated by
25 reference and realleged as if fully set forth herein.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(False Representations)**

3 52. Respondent has further subjected her Physician Assistant License No. PA 20111 to
4 disciplinary action under sections 3527, 2227 and 2234, as defined by section 2261, of the Code,
5 in that she has knowingly made or signed a certificate or document directly or indirectly related to
6 the practice of medicine which falsely represented the existence or nonexistence of a
7 state of facts, as more particularly alleged in paragraphs 24 through 51, above, which are hereby
8 incorporated by reference and realleged as if fully set forth herein.

9 **SIXTH CAUSE FOR DISCIPLINE**

10 **(Creation of False Medical Records, with Fraudulent Intent)**

11 53. Respondent has further subjected her Physician Assistant License No. PA 20111 to
12 disciplinary action under sections 3527, 2227 and 2234, as defined by section 2262, of the Code,
13 in that she created false medical records with fraudulent intent, as more particularly alleged in
14 paragraphs 24 through 52, above, which are hereby incorporated by reference and realleged as if
15 fully set forth herein.

16 **SEVENTH CAUSE FOR DISCIPLINE**

17 **(Conviction of an Offense Substantially Related to the Qualifications, Functions,
18 or Duties of a Physician Assistant)**

19 54. Respondent has further subjected her Physician Assistant License No. PA 20111
20 to disciplinary action under sections 3527, 2227 and 2234, as defined by sections 2236, of the
21 Code, in that she has been convicted of an offense substantially related to the qualifications,
22 functions, or duties of a physician assistant, as more particularly alleged in paragraphs 24 through
23 53 above, which are hereby incorporated by reference and realleged as if fully set forth herein.

24 **EIGHTH CAUSE FOR DISCIPLINE**

25 **(Furnishing Drugs Without Examination)**

26 55. Respondent has further subjected her Physician Assistant License No. PA 20111 to
27 disciplinary action under sections 3527, 2227 and 2234, as defined by section 2242, of the Code,
28 in that she prescribed, dispensed, or furnished dangerous drugs without an appropriate prior

1 examination and medical indication, as more particularly alleged in paragraphs 24 through 54
2 above, which are hereby incorporated by reference and re-alleged as if fully set forth herein.

3 **NINTH CAUSE FOR DISCIPLINE**

4 **(Failure to Maintain Adequate and Accurate Records)**

5 56. Respondent has further subjected her Physician Assistant License No. PA 20111 to
6 disciplinary action under sections 3527, 2227 and 2234, as defined by section 2266, of the Code,
7 in that she failed to maintain adequate and accurate records regarding her care and treatment
8 of patient J.G., as more particularly alleged in paragraphs 24 through 55, above, which are hereby
9 incorporated by reference and realleged as if fully set forth herein.

10 **SECTION 822 CAUSE FOR ACTION**

11 **(Mental Illness and/or Physical Illness Affecting Competency)**

12 57. Respondent is subject to action under section 822 of the Code in that her ability to
13 practice medicine safely is impaired due to a mental illness and/or physical illness affecting
14 competency, as a result of her long standing addiction to Xanax, as more particularly alleged in
15 paragraphs 24 through 56, above, which are hereby incorporated by reference and realleged as if
16 fully set forth herein.

17 **PRAYER**

18 WHEREFORE, complainant requests that a hearing be held on the matters herein alleged,
19 and that following the hearing, the Physician Assistant Board issue a decision:

20 1. Revoking or suspending Physician Assistant License No. PA 20111, issued to
21 respondent Larissa Jean Poles, P.A.

22 2. Ordering respondent Larissa Jean Poles, P.A. to pay the Physician Assistant Board
23 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
24 Professions Code section 125.3; and,

25 3. Ordering respondent Larissa Jean Poles, P.A., to pay the Physician Assistant Board of
26 California the costs, if placed on probation, of probation monitoring; and

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4. Taking such other and further action as deemed necessary and proper.

DATED: April 27, 2017


MAUREEN L. FORSYTH
Executive Officer
Physician Assistant Board
Department of Consumer Affairs
State of California
Complainant

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